

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KATHLEEN and JOHN KERWIN,)	3:07-cv-00036-LRH-VPC
Plaintiff,)	
vs.)	<u>ORDER</u>
REMITTANCE ASSISTANCE CORP.,)	
Defendant.)	

The court has conducted a status review of this case and notes that it is scheduled for trial on March 10, 2009 at 8:30 a.m. in Reno Courtroom No. 5.

In reviewing the Joint Pretrial Order, which was issued by the court in this action, the court notes that the proposed order submitted by Defendant was approved by the court because it appeared to incorporate the contents that had been proposed by plaintiffs.

The court also notes that a settlement conference should be held in this case and it is therefore referred to Magistrate Judge Cooke for a settlement conference. Judge Cooke is a skilled settlement judge and it appears that this is an appropriate case meriting a settlement conference.

Also before the court is Plaintiffs' Affidavit of Noncompliance by Defendant & Request for Default Judgment Against Defendant (#22¹). This motion appears to be prompted by the failure of the parties to be able to jointly resolve the Joint Pretrial Order. It is evident that both sides attempted to resolve differences pertaining to the proposed pretrial order and, under such

¹Refers to court's docket number.

1 circumstances, there are no grounds upon which the extreme sanction of a default would be
2 merited. Plaintiffs' request for default judgment (#22) therefore is denied.

3 This case is referred to Magistrate Judge Cooke for purposes of conducting a settlement
4 conference. If a continuance of the trial date for a period of one to two months for purposes of
5 facilitating the settlement conference and finalizing preparations for trial is requested, the court
6 will consider vacating and continuing the trial date accordingly. Until further order of the court,
7 the trial date of March 10, 2009, is confirmed.

8 IT IS FURTHER ORDERED that Plaintiffs' Affidavit of Noncompliance by Defendant
9 & Request for Default Judgment Against Defendant (#22) is DENIED.

10 IT IS SO ORDERED.

11 DATED this 24th day of February, 2009.



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15 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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